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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
08 AT SEATTLE

09 SHAWN CASEY,

10 Plaintiff,

Case No. C11-0982-RAJ-MAT

11 v.

12 KING COUNTY SHERIFF  
SUE RAHR, *et al.*,

ORDER DENYING PLAINTIFF'S  
APPLICATION FOR COURT  
APPOINTED COUNSEL

13 Defendants.

14 This matter comes before the Court on plaintiff's application for court appointed  
15 counsel. The Court, having reviewed plaintiff's application, and the balance of the record,  
16 does hereby find and ORDER as follows:

17 (1) Plaintiff's application for court appointed counsel (Dkt. No. 12) is DENIED.  
18 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.  
19 Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party  
20 proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances.  
21 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d  
22 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of

01 exceptional circumstances requires an evaluation of both the likelihood of success on the merits  
02 and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the  
03 legal issues involved. *Wilborn*, 789 F.2d at 1331.

04 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that,  
05 in light of the complexity of the legal issues involved, he is unable to articulate his claims pro se.  
06 Thus, plaintiff has not demonstrated that this case involves exceptional circumstances which  
07 warrant appointment of counsel.

08 (2) The Clerk is directed to send copies of this Order to plaintiff and to the  
09 Honorable Richard A. Jones.

10 DATED this 2nd day of September, 2011.

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13 Mary Alice Theiler  
14 United States Magistrate Judge  
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